## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES	
Ex parte: RICHARD HENRY DEE	MAILED
Application No. 09/896,162	JUN 1 2 2006  U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on June 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

## ORDER RETURNING UNDOCKETED APPEAL

On May 5, 2006, an Order Returning Undocketed Appeal was mailed, advising the examiner that Appellant filed an Information Disclosure Statement (IDS) dated

Application No. 09/896,162

dated April 3, 2006, had been filed and not considered. The Order Returning Undocketed

Appeal mailed May 5, 2005, directed the examiner to consider the Information Disclosure

Statement date April 3, 2006, and acknowledge such consideration in the form of a written

communication to appellant.

**CONCLUSION** 

Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) consideration and proper written response to the Information Disclosure Statement

filed April 3, 2006;

2) to notify appellants of such consideration; and

3) for any further action as may be appropriate.

BOARD OF PATENT APPEALS

AND INTERFERENCES

DALE M. SHAW

Program and Resource Administrator

(571)272-9797

DMS/dpv

-2-

Application No. 09/896,162

Wayne P. Bailey Storage Technology Corp. One StorageTek Drive Louisville, Co. 80028-4309